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Attorneys for Defendant

HGHK INTERNATIONAL CO., LIMITED

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

A.K. NGAI, INC.,

Plaintiff,

vs.

XU YONG'AN aka MR. HSU, a  
citizen of and an individual residing  
in the People's Republic of China;

MRS. XU YONG'AN aka

MRS. VIVIAN HSU aka VIVIAN

HSU, a citizen of and an individual  
residing in the People's Republic of

) CIVIL NO. 15-00356 LEK/KSC

) (Other Civil Action)

)

) FINDINGS AND

) RECOMMENDATION TO GRANT

) DEFENDANT HGHK

) INTERNATIONAL CO., LIMITED'S

) PETITION FOR DETERMINATION

) THAT SETTLEMENT IS IN GOOD

) FAITH (CM/ECF # 72)

)

) Date: March 15, 2018

) Time: 9:30 a.m.

China; WEIQUN DU aka BILL DU,	)	Judge: Magistrate Kevin S.C. Chang
a citizen of and an individual residing	)	
in the People’s Republic of China;	)	
KATHY FAN, an individual residing	)	Trial Date: September 12, 2017
in Canada; THE HENGDIAN	)	Trial Judge: Leslie E. Kobayashi
GROUP, a Chinese conglomerate	)	
with headquarters in Hengdian,	)	
People’s Republic of China; HGHK	)	
INTERNATIONAL CO., LIMITED,	)	
a Hong Kong private limited	)	
company; HDGA CORPORATION,	)	
a California corporation; DOE	)	
DEFENDANTS 1-50, inclusive,	)	
	)	
Defendants.	)	
	)	

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**FINDINGS AND RECOMMENDATION TO GRANT DEFENDANT  
HGHK INTERNATIONAL CO., LIMITED’S PETITION FOR  
DETERMINATION THAT SETTLEMENT IS IN GOOD FAITH**

Defendant HGHK International Co., Limited’s (“HGHK”) Petition  
Determination That Settlement Is In Good Faith (“Petition for Good Faith  
Settlement”) dated January 26, 2018, came on for hearing on March 15, 2018, at  
9:30 a.m., before the Honorable Magistrate Judge Kevin S.C. Chang, with Anna H.  
Oshiro, Esq. appearing for Plaintiffs, Harvey J. Lung, Esq. and Sarah M. Love,  
Esq. appearing for Defendant HGHK, and Leah M. Reyes, Esq. appearing on  
behalf of CR Construction Inc. and Christian M. Rodriguez, and the Court having  
heard the arguments, having reviewed and considered the memoranda,  
declarations, and other documents filed herein, and having been otherwise fully  
advised in the premises, and good cause appearing therefore,

IT IS FOUND AND RECOMMENDED that the Petition for Good Faith Settlement be GRANTED. The Court finds, after considering the factors set forth in *Troyer v. Adams* and the totality of the circumstances present in this case, and having served as the settlement Judge and having reviewed the essential terms of the settlement, that the settlement was reached in good faith over CR Construction, Inc. and Christian Rodriguez's objection.

The Court further finds that:

- (1) the settlement reached between A.K. Ngai, Inc., Anthony K. Ngai, Xu Yong'An, Mrs. Xu Yong'An, Weiqun Du, Kathy Fan, HGHK International Co., Limited, The Hengdian Group, HDGA Corporation and Catlin Specialty Insurance Company, as memorialized in the Settlement Agreement with the effective date of May 30, 2017 ("Settlement") was made in good faith pursuant to Hawaii Revised Statutes § 663-15.5;
- (2) any other joint tortfeasor or co-obligor not a party to the Settlement is barred from asserting any further claims against A.K. Ngai, Inc., Anthony K. Ngai, Xu Yong'An, Mrs. Xu Yong'An, Weiqun Du, Kathy Fan, HGHK International Co., Limited, The Hengdian Group, HDGA Corporation and Catlin

Specialty Insurance Company, except for those based on a written indemnity obligation; and

- (3) any and all cross claims by any other joint tortfeasor or co-obligor not a party to the Settlement against A.K. Ngai, Inc., Anthony K. Ngai, Xu Yong'An, Mrs. Xu Yong'An, Weiqun Du, Kathy Fan, HGHK International Co., Limited, The Hengdian Group, HDGA Corporation and Catlin Specialty Insurance Company are barred, except for those based on a written indemnity obligation.

DATED: Honolulu, Hawaii, April 16, 2018.



  
Kevin S.C. Chang  
United States Magistrate Judge

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*A.K. Ngai, Inc.. vs. Xu Yong'an aka Mr. Hsu, et al.*, Civil No. 15-00356 LEK/KSC; FINDINGS AND RECOMMENDATION TO GRANT DEFENDANT HGHK INTERNATIONAL CO., LIMITED'S PETITION FOR DETERMINATION THAT SETTLEMENT IS IN GOOD FAITH (CM/ECF # 72)

APPROVED AS TO FORM:

/s/ Anna H. Oshiro  
ANNA H. OSHIRO  
Attorney for Plaintiff A.K. Ngai, Inc.

APPROVED AS TO FORM:

/s/ Leah M. Reyes  
LEAH M. REYES  
Attorney for CR Construction Inc.  
and Christian M. Rodriguez

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*A.K. Ngai, Inc.. vs. Xu Yong'an aka Mr. Hsu, et al.*, Civil No. 15-00356 LEK/LSC; ORDER GRANTING DEFENDANT HGHK INTERNATIONAL CO., LIMITED'S PETITION FOR DETERMINATION THAT SETTLEMENT IS IN GOOD FAITH (CM/ECF # 72)